

APPEAL NO. 030243
FILED MARCH 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 7, 2003. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, does not include an injury to the claimant's right wrist in the form of carpal tunnel syndrome (CTS) and that the claimant has had disability resulting from the compensable injury of _____, from May 24, 2002, through the date of the CCH. The appellant (carrier) appeals the hearing officer's disability determination, contending that the claimant's disability ended on June 27, 2002. No response was received from the claimant. There is no appeal of the hearing officer's determination that the compensable injury does not include an injury to the claimant's right wrist in the form of CTS.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury to her right elbow. The hearing officer's determination that the compensable injury does not include an injury to the right wrist in the form of CTS has not been appealed. The issue before us on appeal is disability. Section 401.011(16) defines "disability" as "the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage." There is evidence that the claimant's treating doctor had the claimant on an off-work status after June 27, 2002, because of an injury to her right wrist. However, there is also evidence from the treating doctor that he had the claimant on an off-work status after June 27, 2002, due to the compensable injury to her right elbow. In Texas Workers' Compensation Commission Appeal No. 020397, decided April 2, 2002, the Appeals Panel stated: "a claimant need only prove that the compensable injury is a cause of the inability to earn the preinjury wage, not the sole cause of that inability." The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's disability determination is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Terri Kay Oliver
Appeals Judge